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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT TACOMA

6 WILLIAM G. SMITH,

7 Plaintiff,

8 v.

NO. C11-5401 RBL/KLS

9 RODULF TRIVENO, RANDY
10 PIERCE, CATHERINE BAUM, GARY
11 FLETCHER, WILLIAM ROLLINS,
12 PATRICK GLEBE, DAN VAN OGLE,
13 KERRI McTARSNEY, DENNIS
14 DAHNE, TAMMY NIKULA, DANO
15 GORTON, KATHY RENINGER,
16 JOSEPH LOPIN, ELDON VAIL, DAN
17 PACHOLKE, SEAN MURPHY,
18 STEVE HAMMOND, and
19 DEPARTMENT OF CORRECTIONS,

20 Defendants.

ORDER GRANTING EXTENSION OF
TIME TO RESPOND TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT

21 Defendants' Motion for Summary Judgment (ECF No. 64) is presently pending before
22 the Court. Defendant's motion was set for hearing on Friday, February 24, 2012. Plaintiff's
23 response was due on February 20, 2012. On February 14, 2012, Plaintiff filed a motion for
24 extension of time of his deadline to respond to Defendants' motion for summary judgment.
25 ECF No. 76. Plaintiff requests an extension until March 23, 2012 because a leak in the library
26 roof kept him accessing the law library for one week. *Id.* Defendants oppose the requested
extension and provide a declaration from the librarian stating that the library was closed for
only two and one half hours due to a leak in the roof but open at all other times for inmate use.
ECF Nos. 78 and 79. Plaintiff filed a reply and provides his affidavit and the affidavit of

1 another inmate stating that the library was closed for more than one day because of the leak,
2 the Martin Luther King, Jr. holiday, and snow days. ECF No. 82. Plaintiff filed his response
3 to Defendants' motion for summary judgment on March 1, 2012. ECF No. 80. Defendants
4 filed their reply on March 5, 2012. ECF No. 81.

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6 Because Plaintiff has already filed his response, he does not require an extension until
7 March 23, 2012. The Court will, however, grant Plaintiff an extension until March 1, 2012,
8 so that his response to Defendants' motion for summary judgment (ECF No. 80) may be
9 deemed timely filed.

10 Accordingly, it is **ORDERED**:

11 (1) Plaintiff's motion for continuance (ECF No. 76) is **GRANTED**. His response
12 to Defendants' motion for summary judgment (ECF No. 80) is timely filed.

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14 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for
15 Defendants.

16 **DATED** this 14th day of March, 2012.

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19 Karen L. Strombom
20 United States Magistrate Judge
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